

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

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*For defendant Raheem Miller.*

## ORDER

**GÓMEZ, J.**

Before the Court is Aracelis N. Ayala's ("Ayala") motion to disqualify the undersigned.

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Ayala argues that the undersigned must be removed from this case because the undersigned has exceeded ten years as a judge on the District Court of the Virgin Islands. Ayala argues that the current case cannot proceed until a new judge is appointed to oversee the proceedings.

The Revised Organic Act, in pertinent part, provides that the term of appointment for a judge of the District Court of the Virgin Islands is "*ten years and until their successors are chosen and qualified*, unless sooner removed by the President for cause." 48 U.S.C. § 1614(a) (emphasis added). Given that context, the remedy suggested by Ayala is only possible if one were to ignore the conjunctive language "*and until*," that immediately follows the words "*ten years*."

Of course, the Court is required to give meaning to each word in a statute and to read the statute as a whole. *Tavarez v. Klingensmith*, 372 F.3d 188, 190 (3d Cir. 2004). It would be verboten to do otherwise in interpreting a statute. Applying well-established principles of statutory construction to the Revised Organic Act, the statutory language is very clear. The ten-year period referred to in the Revised Organic Act is a floor for a district judge's term. It is not a cap. See 18 U.S.C. § 1614(a). In short, the term is not finite. Indeed, only

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if a successor is chosen and qualified does the term end.<sup>1</sup> 48

U.S.C. § 1614(a).

The premises considered; it is hereby

**ORDERED** that Ayala's motion to disqualify is **DENIED**.

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CURTIS V. GÓMEZ

**District Judge**

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<sup>1</sup> Clearly, Congress has the capacity to legislate terms of office for a finite period, as it has in other contexts. *See, e.g.*, 26 U.S.C. § 7443(e) ("The term of office of any judge of the Tax Court shall expire 15 years after he takes office."). Exercising its sound discretion, Congress chose not to define a finite term with respect to judges of the District Court of the Virgin Islands.